

REMARKS

Claims 35-41 and 50-52 were pending examination in this application. In order to expedite prosecution, claims 35-37, 39 and 52 are herein canceled and claims 38, 40 and 41 are amended. Claims 53-57 have been added. Accordingly, claims 38, 40, 41, 50, 51 and 53-57 will be pending upon entry of the present amendment. *No new matter has been added.*

Support for the amendments to claims 38, 40 and 41 can be found throughout the specification and claims as filed. Support for new claims 53-57 can be found, at least, for example, in originally filed claims 40 and 41. Claim 41 has also been amended to correct an obvious typographical error.

Rejection of Claims 35-41 and 50-52 under 35 U.S.C. § 112, second paragraph

According to the Office Action of April 29, 2008, claims 35-41 and 50-52 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action states that “regarding the terms ‘heteroaryl,’ ‘heterocyclyl’ and ‘carbocyclyl,’ ...appropriate clarification is required.” Applicant respectfully disagrees with this rejection. However, *solely for the purpose of expediting prosecution*, Applicant has canceled claims 35-37, 39 and 52, and claim 38 has been amended to remove these terms. Claim 40 is directed toward a compound substituted by an aryl group that is optionally substituted with 1 or 2 substituents selected from fluorine, chlorine, bromine, C₁₋₄ alkyl, C₁₋₄ alkylthio, C₁₋₄ haloalkyl, C₁₋₄ haloalkoxy and nitro. Applicant notes that the terms “heteroaryl,” “heterocyclyl” and carbocyclyl” are not recited in claims 41, 50 or 51.

In view of the foregoing, Applicant respectfully submits that the rejection has been addressed by the Applicant. Accordingly, Applicant respectfully requests that this rejection of claims 35-41 and 50-52 be reconsidered and withdrawn.

Rejection of Claims 35-39 under 35 U.S.C. § 103(a)

According to the Office Action of April 29, 2008, claims 35-39 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Freidinger *et al.* (EP 167919) and in view of Bock *et al.* (US 4,628,084). As to claims 35-37 and 39, Applicant notes that these claims are herein canceled for purposes of expediting prosecution. Applicant further notes that variable R⁵ⁱ of

claim 38 has been amended, without prejudice, to include only -CONR'R". Thus, the compounds of generic formula (Ic) are substituted by a urea moiety. Applicant respectfully submits that neither Freidinger *et al.* nor Bock *et al.* teach or suggest compounds substituted by a urea moiety. Consequently, the compounds of the instant invention are unobvious in view of these references.

In view of the above amendments and arguments, Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the foregoing, entry of the amendments and remarks herein, reconsideration and withdrawal of all rejections, and allowance of the instant application with all pending claims are respectfully solicited. If a telephone conversation with Applicant's attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's attorney at (617) 227-7400.

Applicant does not believe any fees are due at this time. However, if any additional fees are due, the Director is hereby authorized to charge our Deposit Account No. 12-0080, under Order No. NV2-023US, from which the undersigned is authorized to draw.

Dated: November 20, 2008

Respectfully submitted,

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